

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE:	)	
	)	CASE NO. 17 B 23531
Boguslaw Chyrka	)	
	)	HON. Cox
	)	CHAPTER 13
DEBTOR.	)	

**NOTICE OF MOTION**

To: Tom Vaughn, 55 E. Monroe Street, Suite 3850, Chicago, IL 60606; (Via Electronic Notice);

Brian T. Moynihan, Chief Executive Officer, Bank of America Corporation, 100 N. Tryon St., Charlotte, NC 28255, via certified mail;

C T Corporation System, registered agent for Bank of America, N.A., 208 S. LaSalle Street, Ste 814, Chicago, IL 60604, via certified mail;

Boguslaw Chyrka, 8034 South Neva Avenue, Burbank, IL 60459, via first class US Mail.

Please take notice that on October 30, 2017 at 9:00 a.m., I shall appear before the Honorable Judge Cox in Courtroom 680 in the Dirksen Federal Building, located at 219 S. Dearborn Street, Chicago, Illinois 60602 and present the attached motion and you may appear if you so choose.

**PROOF OF SERVICE**

The undersigned, an attorney, certifies that he mailed a copy of this notice and motion to the above named addressed by U.S. Mail with postage prepaid from the Downers Grove, IL Post Office located at 920 Curtiss Street before 5pm on September 21, 2017 before the hour of 5 pm.

/s/ Ryan J. Waite  
Attorney for Debtor  
The Waite Law Firm  
5639 Washington Street  
Downers Grove, IL 60516  
773-680-0610

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**MOTION TO DETERMINE VALUE OF CLAIM SECURED BY A LIEN**

NOW COMES the Debtor, Boguslawa Chyrka, by and through her attorney, Ryan J. Waite of The Waite Law Firm, pursuant to 11 U.S.C. § 506(a), Rule 1328 Fed. R. Bank Pro and Rule 3012 Fed. R. Bank. Pro. in support of his Motion to Determine Valuation of Collateral states as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 1334 and this is a “core proceeding” under 28 U.S.C. 157(b)(2).
2. The Debtor filed for relief under Chapter 13 of the United States Bankruptcy Code on August 7, 2017.
3. The Debtor’s case has not yet been confirmed.
4. The debtors own the property located at 8034 South Neva Avenue, Burbank, IL 60459 (hereinafter called “the real estate”), PIN Number 19-31-100-018-0000 in Cook County, Illinois.
5. Pursuant to a property Appraisal completed on July 20, 2017, the subject property currently has a fair market value of \$125,000.00. See Debtor’s Appraisal attached hereto as Exhibit A.
6. Seterus Inc. (“Seterus”) holds a first secured lien on the real estate, loan number XXXXXXXX8097, currently with an approximate balance of \$163,166.45 pursuant to the Debtor’s recent mortgage statement Please see attached Exhibit B for mortgage statement. A claim has yet to be filed in this case.
7. Bank of America, holds a second secured lien on the real estate, loan number XXXXXXXX4306, with an approximate balance of \$35,000.00. Please see attached Exhibit C for the recent statement from Bank of America.

8. Pursuant to 11U.S.C. § 506(a), Debtor's junior mortgage with Bank of America would be an allowed secured claim to the extent of the value of the estate's interest in the property securing the claim and Bank of America's lien is void to the extent it is not an allowed secured claim.
9. The amount owed on the first mortgage, \$166,884.00, exceeds the value of the underlying property, \$125,000.00.
10. Bank of America shall retain its junior lien on Debtor's real property until the earlier of: a) the payment of the underlying debt determined under non-bankruptcy law; or b) discharge under Section 1328.

WHEREFORE, the Debtors request that this honorable court enter an order:

- a. finding NO collateral value in Debtor's property located 8034 South Neva Avenue, Burbank, IL 60459;
- b. finding that Bank of America's junior lien, XXXXXXX4306, with an approximate balance of \$35,000.00 is completely unsecured; and
- c. for such further relief as this Court deems proper and just.

Dated: August 21, 2017

By: /s/ Ryan J. Waite  
Ryan J. Waite

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